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and JERRY WAYNE DUDLEY JR.

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

JOSE ZEPEDA ALACRAZ, an  
individual; MARIBEL ALCALA DE  
PEREZ, an individual,

Plaintiff,

v.

MARTEN TRANSPORT LTD, a  
corporation; JERRY WAYNE DUDLEY  
JR, an individual; and DOES 1 to 25  
inclusive,

Defendant.

Case No. 1:23-CV-00615-JLT-SKO

**JOINT STIPULATION AND ORDER  
TO MODIFY SCHEDULING ORDER**

(Doc. 53)

Assigned to: Hon. Jennifer L. Thurston  
Magistrate Judge: Hon. Sheila K. Oberto

Complaint Filed: March 9, 2023  
Trial: October 25, 2025

Pursuant to Rules 6(b) and 29(b) of the Federal Rules of Civil Procedure and Pursuant to Local Rule 143 Plaintiffs JOSE ZEPEDA ALACRAZ and MARIBEL ALCALA DE PEREZ (“Plaintiffs”) and Defendants MARTEN TRANSPORT LTD and JERRY WAYNE DUDLEY JR (“Defendants”) (collectively the “Parties”) hereby respectfully stipulate and request the Court amend the current Scheduling Order (ECF No. 41) for good cause, and in support thereof would respectfully show the Court as follows:

On August 17, 2023, a Scheduling Conference was held; the Court set the following deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 240:

1 Non Expert Discovery: June 14, 2024

2 Expert Disclosures: August 1, 2024

3 Rebuttal Expert Disclosures: August 29, 2024

4 Expert Discovery: September 27, 2024

5 These pretrial deadlines have been amended pursuant to the Parties agreement on  
6 four occasions. The trial date has been continued twice by the Court *sua sponte*, and most  
7 recently to October 21, 2025. (ECF 41). The current discovery deadlines, as per the  
8 October 28, 2024 Order (ECF 41) are as follows:

9 Non-Expert Discovery: January 31, 2025

10 Expert Disclosures: February 28, 2025

11 Rebuttal Expert Disclosures: March 14, 2025

12 Expert Discovery: April 11, 2025

13 The Parties now request a further amendment to the discovery deadlines as follows  
14 preceding the October 21, 2025 trial in this matter:

15 Non-Expert Discovery: April 11, 2025

16 Expert Disclosures: May 9, 2025

17 Rebuttal Expert Disclosures: May 23, 2025

18 Expert Discovery: June 13, 2025

19 Good cause exists to grant this joint stipulation and the Parties request this reset  
20 and amendment to the Scheduling Order for the following reasons:

21 (1) The scope and extent of Plaintiffs' alleged injuries and resulting damages  
22 necessitates extensive discovery. Although the Parties are making diligent  
23 efforts to complete all pending discovery, the Parties will not be able to  
24 comply with the current fact and expert discovery deadlines. Moreover, the  
25 Parties have agreed to attend a mediation, however, the Parties must first  
26 complete the pending discovery before they can engage in meaningful  
27 settlement discussions.

28 (2) To date, the following depositions have been completed: Three (3)

depositions of emergency personnel; two (2) depositions of eyewitnesses; the depositions

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of both Plaintiffs; the depositions of Defendant Marten's PMQ and Defendant Dudley; and seven (7) depositions of Plaintiffs' treating physicians.

(3) Additionally, despite properly noticing the deposition of plaintiffs' treating provider, Dr. Robert Reisch, Defendants were forced to take a certificate of non-appearance on January 9, 2025, due to his failure to appear for deposition, which must now either be rescheduled or compelled. Further, Defendants must conduct a second session of Dr. Timothy Davis' deposition which was suspended because Dr. Davis acknowledged that he had additional records that had inadvertently not been produced prior to his deposition.

(4) Defendants are also working on coordinating no less than twenty (20) additional medical treater depositions; and five (5) fact witness depositions; however, the Parties may require the Court's input on the number of depositions appropriate for this case in the future as Plaintiffs will not stipulate to allow Defendants more than 12 depositions (2 more than the 10 allowed by FRCP 30).

(5) Plaintiffs obtained contact information for several additional eyewitnesses to the subject accident from CHP Officer Aldrete's August 2, 2024 deposition. Plaintiffs did successfully subpoena and obtain the deposition of two (2) of these witnesses, and determine that a third cannot be found; however, there is one final accident eyewitness that Plaintiffs are diligently working to contact, locate and subpoena. There is insufficient time to locate them all, provide the required notice, and secure their availability for a deposition to take place based on the current deadline.

1 (6) Plaintiffs have subpoenaed Defendant Dudley's prior employment records  
2 from First Fleet, Inc., which were due this past week and were not  
3 produced; therefore, a motion to compel may be needed and/or a deposition  
4 of the employer's PMQ, which will require travel to Tennessee.

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6 (7) Plaintiffs are still undergoing treatment, and plaintiff, Maribel Alcala De  
7 Perez just recently underwent an additional surgical procedure on January  
8 14, 2025, for which the associated records remain outstanding. She is also  
9 planning an additional surgical procedure in the next month. As such, the  
10 Parties require additional time to obtain these records and for Defendants'  
11 experts evaluate same.

12 (8) Given the scope and extent of Plaintiffs' alleged injuries, including their  
13 alleged traumatic brain injuries, the Parties have been conferring over the  
14 necessary Independent Medical Examinations that Defendants require of  
15 each plaintiff. Currently, Plaintiffs have agreed to submit for physical  
16 examinations with Defendants' neurologist which are scheduled for  
17 February 24, 2025. Plaintiffs have also agreed to undergo  
18 neuropsychological examinations. However, the Parties have not been able  
19 to agree as to the terms of the neuropsychological examinations, or whether  
20 Plaintiffs will agree to submit to the psychiatric examinations that  
21 Defendants also seek. The Parties are in the process of briefing the Court on  
22 this dispute. Given the current posture of discovery, however, the Parties  
23 require additional time to complete the above discovery, brief the Court, and  
24 have Plaintiffs submit to the necessary Independent Medical Examinations.

25 (9) Plaintiffs' counsels of record will be engaged in a trial beginning March 21,  
26 2025, which will limit their ability to participate in critical expert discovery  
27 based on the current deadlines.

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(10) This brief continuance may aid the facilitation of settlement, it will not cause any prejudice to the Parties or any third-party, and it is not requested for any improper purpose.

Dated: February 7, 2025

CLARK HILL LLP

By: /s/ Stephanie L. Freismuth  
Bradford G. Hughes  
Seta Sarabekian  
Stephanie L. Freismuth  
Attorneys for Defendants MARTEN  
TRANSPORTS LTD and JERRY WAYNE  
DUDLEY JR.

Dated: February 7, 2025

BD&J, PC

By: /s/ Jennifer Bagosy (as authorized on 2/7/25)  
Olivier Taillieu  
Jennifer Bagosy  
Attorneys for Plaintiffs JOSE ZAPEDA and  
MARIBEL ALCALA DE PEREZ

**ORDER**

Pursuant to the parties' foregoing stipulation (Doc. 53), and for good cause shown (*see* Fed. R. Civ. P. 16(b)(4)), the case schedule (Doc. 41) is MODIFIED as follows:

	<b>Previous Deadline</b>	<b>New Deadline</b>
Non-Expert Discovery	January 31, 2025	April 11, 2025 ( <i>nunc pro tunc</i> )
Expert Disclosures	February 28, 2025	May 9, 2025
Rebuttal Expert Disclosures	March 14, 2025	May 23, 2025
Expert Discovery	April 11, 2025	June 13, 2025
Non-Dispositive Motion Deadline <sup>1</sup>	Filing: April 16, 2025 Hearing: May 21, 2025	Filing: June 18, 2025 Hearing: July 23, 2025
Dispositive Motion Deadline	Filing: April 23, 2025 Hearing: May 28, 2025	Filing: June 25, 2025 Hearing: July 30, 2025
Deadline to Provide Proposed Settlement Conference Dates	By July 23, 2025, or 90 days before trial, whichever is later	By September 24, 2025, or 90 days before trial, whichever is later
Pre-Trial Conference	August 25, 2025	October 27, 2025
Trial	October 21, 2025	January 13, 2026

IT IS SO ORDERED.

Dated: **February 10, 2025**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Although the parties did not request an enlargement of the motion deadlines and pretrial and trial dates, such enlargement is necessary to allow the Court time to adjudicate motions and for the parties to prepare for trial.